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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,433	07/31/2003	William Andrew Decanio	HI02001USU1 (P01018USU1)	2856
7590 Jennifer H. Hammond The Eclipse Group 10453 Raintree Lane Northridge, CA 91326		07/05/2007	EXAMINER CHAN, KO HUNG	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 07/05/2007 DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/632,433	DECANIO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Korie H. Chan	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 April 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3,5-14,17-26 and 34-43 is/are pending in the application.  
 4a) Of the above claim(s) 27-33 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3,5-14,17-26 and 34-43 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

Claims 3, 5-14, 17-22, 34-43 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 3 and 14, applicant recites that "the arm member movably coupled to the shaft"; however, a review of applicant's device indicate that the arm (112, figure 5) is NOT movably coupled to the shaft but rather pivotable coupled to the interface section (138). It is only the interface section (138) that is movable coupled to the shaft. Similarly in claim 13, line 8, "the arm member coupled to the shaft" is vague and indefinite since the arm (112) is NOT coupled to the shaft but rather it is pivotally coupled to the interface section 138.

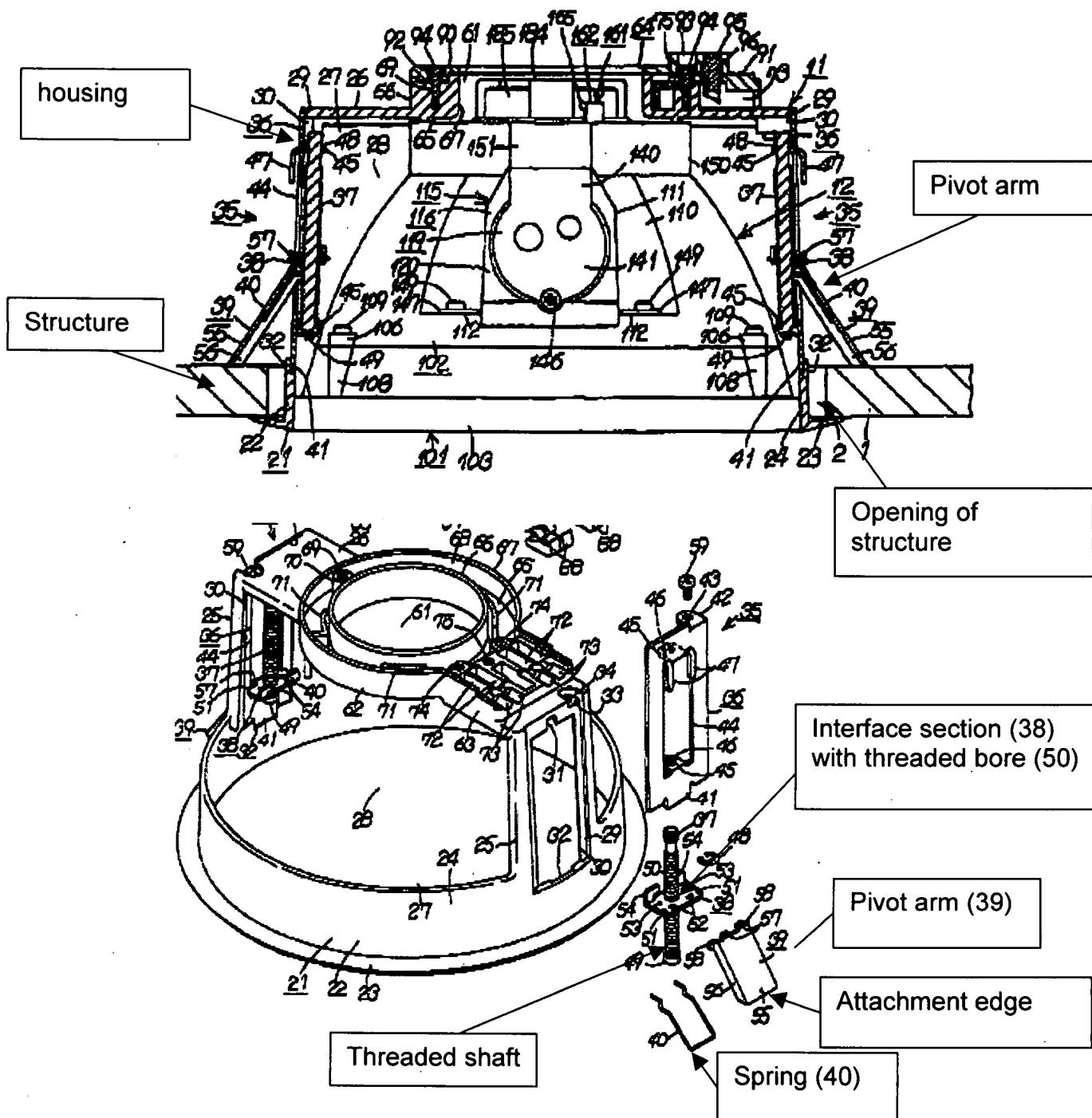
### ***Claim Rejections - 35 USC § 102***

Claims 23 and 25 are rejected under 35 .S.C. 102(b) as being anticipated by Tchilinguirian (US patent no. 6,588,543). Regarding claim 23, Tchilinguirian discloses a loudspeaker system comprising: a loudspeaker; a speaker housing adapted for insertion into an opening of a structure along a mounting direction; a mounting assembly (14) for mounting the loudspeaker housing in the opening; a mounting mechanism (36) coupled to the housing and including an arm member (36, figure 3) pivotable between a first position and a second position, where at the first position (the not circled mechanism 30

is in premounting position, figure 2) the arm member enables insertion of the loudspeaker housing in the opening, and at the second position (the circled portion of 30, figure 2 and 3) the arm member (36) extends generally away from the loudspeaker housing into engagement with a surface of the structure defining the opening; a spring mechanism (44) connected to the arm member for biasing the arm member toward the second position; and a shaft (60, figure 6) interconnecting the mounting mechanism and the housing, whereby the arm member (36) of the mounting mechanism is pivotal between the first position and the second position independent of any movement of the shaft; regarding claim 25, where the mounting mechanism (36) is movably coupled to the shaft (60) for adjusting position of the arm member relative to the speaker housing along the mounting direction.

***Claim Rejections - 35 USC § 103***

Claims 3, 5-14, 17-26, and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US patent no. 6,132,069) in view of Tchilinguirian (US patent no. 6,588,543). Sato discloses a mounting mechanism having all the claimed features of applicant's invention as illustrated below.



However, Sato does not disclose the housing is part of a speaker to support a speaker system and wherein the arm as having an attachment edge with toothed attachment surface. Tchilinguirian teaches that mounting brackets for speakers, lights

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are well-known in the art and are in the same mounting environment. These prior art mounting brackets are sometimes custom fabricated to make them fit into ceilings and walls of a building structure into which the devices are to be installed (Col. 1, paragraph 2). Tchilinguirian further discloses that mounting of a speaker system (that may be round, figure 9) where a speaker housing (48) having mounting structure with arm member (42) having toothed attachment surface (figure 4). It would have been obvious to one of ordinary skill in the art to have modify the system of Sato to mount a speaker system as taught by Tchilinguirian as speakers and lightings are equivalently mounted to ceilings and wall structures. To adapt one well-known mounting bracket for mounting a light fixture mounted in the same environment for mounting a speaker would have been obvious to one of ordinary skill in the art. Further it would have been obvious to one of ordinary skill in the art to modify the attachment edge of Sato's arm such that it is toothed for the well-known advantage of digging into the structure for firm attachment and to further adapted the housing structure for a speaker as taught by Tchilinguirian for mounting a speaker.

#### ***Response to Arguments***

Applicant's arguments filed 4/13/2007 have been fully considered but they are not persuasive. Regarding the 35 USC 112, 2<sup>nd</sup> paragraph rejection, applicant argues that "even if the arm member is not directly attached to the shaft, the arm member may nevertheless be movably coupled to the shaft" (Page 11, last three lines of paragraph one, remarks section). In applicant's case, examiner respectfully disagrees. In

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applicant's claim 3, for example, recites that "an arm member movably coupled to the shaft" (claim 3, line 6) which according to applicant means that this recitation denotes that this is not directly attached to the shaft. However, later in the claim 3, applicant recites that "interface section is movably coupled to the shaft" (claim 3, last two lines), now does one interpret this recitation as being directly attached or not attached.

Applicant's same use of the words "movably coupled" to reference his device to be directly attached and also to not be directly attached is vague and indefinite.

Further, applicant's reference to the combination of Sato and Tchilinguirian that since claims 12, 22, and 43 depends from allowed claims, that such is allowable has ignored such combination rejection. Again, Tchilinguirian taught the use of mounting brackets for lighting and speaker are of the generally the same field of endeavor. Consequently, to adapt one well-known mounting bracket for a lighting fixture into mounting bracket for speaker would have been obvious to one of ordinary skill in the art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

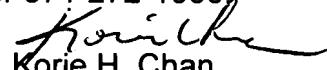
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
June 21, 2007